

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *M* D.C.

05 AUG 10 AM 10:55

RICHARD BOWER,
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION, ERNEST O. MCKNATT,
and JOHN J. OSWALD,

Plaintiffs,

vs.

RICHARD A. BOWER,

Plaintiff-Intervener,

SHARON HERDRICH, LUIS MORALES,
and TIM WEISE,

Plaintiff-Interveners,

vs.

FEDERAL EXPRESS CORPORATION,

Defendant.

Civ. No. 94-2862-D

WILLIAM B. BOLD
CLERK, U.S. DISTRICT COURT
WD OF TENNESSEE

ORDER GRANTING PLAINTIFFS' MOTION TO COMPEL DISCOVERY

Before the court is the plaintiffs' Motion to Compel Discovery, filed July 6, 2005 (dkt #464). According to the plaintiffs, on May 23, 2005, the plaintiffs propounded on defendant Federal Express Corporation their Sixth Set of Interrogatories and Fourth Request for Production of Documents. These discovery responses were due on June 27, 2005. The defendant did not submit

469

written responses to these discovery requests, nor did it seek an enlargement of time to respond. The matter was referred to the Magistrate Judge for determination. Local Rule 7.2(a)(2) requires that

The response to the motion and its supporting memorandum . . . shall be filed within fifteen days after service of the motion and shall be accompanied by a proposed order. Failure to respond timely to any motion, other than one requesting dismissal of a claim or action, may be deemed good grounds for granting the motion.

The plaintiff has not filed a response to the motion to compel, and the time to respond has passed. On this basis, the motion to compel is GRANTED.

Furthermore, as a general rule, "when a party fails to object timely to interrogatories, production requests, or other discovery efforts, objections thereto are waived." Blackmond v. UT Medical Group, Inc., no. 02-2890, 2003 WL 22385678 (W.D. Tenn. Sept. 17, 2003) (unpublished). The court, having not received a response from the defendant, concludes that the defendant has waived any objections it may have had regarding these discovery requests. Defendant shall respond fully to plaintiffs' Sixth Set of Interrogatories and Fourth Request for Production of Documents within twenty (20) days from the date of this order.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge

August 10, 2005
Date



Notice of Distribution

This notice confirms a copy of the document docketed as number 469 in case 2:94-CV-02862 was distributed by fax, mail, or direct printing on August 10, 2005 to the parties listed.

Thomas L. Henderson
LEWIS FISHER HENDERSON & CLAXTON, LLP
6410 Poplar Ave.
Ste. 300
Memphis, TN 38119

J. Kendrick Kresse
CALIFORNIA CENTER FOR LAW AND THE DEAF
14895 East 14th St.
Ste. 220
San Leandro, CA 94578--292

Jennifer Pesek
14895 East 14th Street Suite 220
San Leandro, CA 94578--292

James R. Mulroy
LEWIS FISHER HENDERSON & CLAXTON, LLP
6410 Poplar Ave.
Ste. 300
Memphis, TN 38119

Connie Westbrook
LAW OFFICE OF CONNIE WESTBROOK
2504 Arthur Rd.
Germantown, TN 38138

Richard B. Fields
LAW OFFICE OF RICHARD B. FIELDS
688 Jefferson Ave.
Memphis, TN 38105--193

Callan G. Carter
CALIFORNIA CENTER FOR LAW AND THE DEAF
14895 East 14th St.
Ste. 220
San Leandro, CA 94578--292

Colby S. Morgan
FEDEX CORPORATION
3620 Hacks Cross Rd.
Third Floor, Building B.
Memphis, TN 38125--880

Todd M. Saranecki
KAPLAN BEGY & VON OHLEN
120 North La Salle Street
Chicago, IL 60602

Carolyn Howard
NORWOOD HOWARD & ATCHLEY
1407 Union Ave.
Ste. 807
Memphis, TN 38104--362

Honorable Bernice Donald
US DISTRICT COURT